

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Monday, January 11, 7:00 p.m. 20 10

CALL TO ORDER:

1. The council meeting was called to order Monday, January 11, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

OPENING PRAYER:

2. The opening prayer was delivered by Pastor Don Rice, Jr., Director of Pastoral Care at St. Luke Lutheran Community.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Revoldt: Please be seated. Pastor thank you. Clerk, would you please call the roll.

4. The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, Superintendent of Streets & Utilities Chufar, Superintendent of Permits & Inspection Hampton, Rental Coordinator Raymond and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

5. Consideration

Council Meeting Minutes – December 14, 2009
Mayor's Court Receipts – November and December, 2009

Mr. Revoldt: Council has for its consideration minutes of its meeting on December 14th and mayor's court receipts for November and December, 2009. Are there any questions or corrections to those – for those documents?

Mr. Snyder moved and Mr. DeOrio seconded to approve the minutes of the council meeting and mayor's receipts as presented. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

6. Committee Minutes

Mr. Revoldt: We have committee minutes for approval - executive session for Personnel & Safety, three of which were held on December 14th and one on January 4th; Community & Economic Development; Finance & Property; Ordinance, Rules & Claims; Park & Recreation; Street & Alley all committees meeting on January 4th and Personnel & Safety held December 14th and January 4th. Are there any corrections or amendments to those committee minutes?

Mr. DeOrio moved and Mrs. Kiesling seconded to approve the executive session and committee report minutes as presented. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Executive Sessions (Personnel & Safety): Please refer to the minutes on file in the Council Office of the executive session meetings for Personnel & Safety three held on December 14, 2009 and one held on January 4, 2010.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held January 4, 2010.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 4, 2010.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 4, 2010.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 4, 2010.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held December 14, 2009 and January 4, 2010.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 4, 2010.

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7. Voice Vote – Appointment of Randy Smith to the North Canton Community Improvement Corporation – January 1, 2010 thru December 31, 2010

Mr. Revoldt: Item 7 is an appointment to our Community Improvement Corporation. It is the desire of Council to appoint Randy Smith of First Merit for a term commencing January 1, 2010 through December 31, 2010. Is there any discussion? Is there a motion?

Mr. DeOrio moved and Mr. Peters seconded to approve the appointment of Randy Smith to the Community Improvement Corporation for a term commencing January 1, 2010 through December 31, 2010. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

8. Recognition of Visitors

Mr. Revoldt: We are now at recognition of visitors. Could I just see a quick show of hands the number of people that would like to address the Council this evening? Okay, let me go over here with Mr. Renacci first. If you'd step forward to the microphone and state your name and the nature of your business.

Jim Renacci: Thank you President Revoldt, Members of Council, Mayor and the City Administration. I wanted to introduce myself this evening, my name is Jim Renacci. I'm running for Congress here in the 16th District that includes Stark County, Ashland, Wayne, and Medina County. It's great to see so many people here involved in government. I was actually the mayor of Wadsworth for a number of years and I was also president of city council and ran the council up in Wadsworth so I understand what you're going through. I won't take up a lot of your time because I know your business is important to get through. But I did want to introduce myself. I have been a businessman here in the District for over twenty-eight (28) years. I've actually had a number of businesses within Stark County and the District. And as we all know what's going on in government these days, I look forward to running and being a part of a campaign that really shows what it takes as far as business and bringing business sense sometimes back to the federal government. So I look forward to meeting you all over the next ten (10) or twelve (12) months. I appreciate taking the time to – giving me the time to introduce myself. And again, I appreciate the work you all do because as mayor and president of city council I know what you do every day, it's important to the city and it's important to the operation of the government here in this local community. So thank you all and thank you for the opportunity to speak with you.

Mr. Revoldt: Thank you for stopping by. Next, who would like to address the Council? Anyone on the right side – my right? Mrs. Magel.

Kathy Magel: I'm Kathy Magel. 1025 East Maple Street – North Canton. I understand there was a meeting a budget meeting this morning. And I'm sorry I was unable to attend or I would of spoke about this at that time. I understand that there's a department head that's expressed some interest in letting the building or some of the buildings come up to spec with the American Disability Act. And I believe that the administration had also took – taken an interest to it. And when I was on council I believe we had a small amount of money – maybe 25 maybe \$5,000 for a study what it would take for the code to be brought up. In the meantime, what I found out was just a call to the ADA and they would come here for free and give an estimate and probably they know the latest and the greatest and something that could be in our budget. So I just wanted to ask the administration and the council if you would, before passing the budget, at least consider bringing City Hall here up to date. I believe the code's 88', 1988 so we're like 22 years behind. And I'm not sure but I got in a conversation where maybe the Engineering was going to the City Hall and that's also an important building that might need to be brought up to spec. As you know, I am disabled and so that's why I'm up here bringing it to your attention. Thank you very much.

Mr. Revoldt: Mrs. Magel you'd be pleased to know that Mr. Zumbar telepathically has advised me ...inaudible... that there's money budget for the subject that you have raised. So...

Mrs. Magel: Thank you Mr. Zumbar. I had no idea or I wouldn't of addressed this.

Mr. Zumbar: Per the Mayor's request.

Mr. Revoldt: We see all and know all.

Mayor Held: Thank you.

Mrs. Magel: Thank you.

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Mr. Snyder: Mrs. Magel, next Tuesday, a week from tomorrow, we'll have the first hearing on the capital portion of the budget only – just the capital. And that will be next Tuesday at which time we'll consider that and that will be brought up at that time. You're and I'm sure you'll be here and you'll know that.

Mrs. Magel: I can't – I can't – thank you very much, thank you.

Mayor Held: Yes, thank you Kathy.

Mr. Revoldt: Is there anyone on the, again on to my right that wishes to address the Council? Mr. Repace I think your hand was up.

Mr. Repace (speaking from the audience): I do but I would like to just hold off until the other side speaks if I could.

Mr. Revoldt: You may.

Mr. Repace: Thank you.

Mr. Revoldt: I'll come back to you. Left side of the room, is there anyone here who wishes to address the Council? Mr. Covey, welcome.

Rod Covey: Rod Covey from Auburn Knolls, North Canton. I wasn't sure about the other agenda tonight but is this – I have some guests that are younger and would like to leave. Can I do this part now or...

Mr. Revoldt: You may.

Mr. Covey: Oh, okay I wasn't sure about that other thing. Well first I have been chairman of the Wall of Heroes. That is the Bitzer Park movement of the Hoover plaque along with other wars. This has been going on for three and a half years; it got derailed. But during the course of our promotion two years ago we had an essay contest among students of North Canton schools and 219 submitted an essay and of those 219 one fifth grade girl from Northwood won. And she was on the radio, *The Repository* did an editorial page feature, also published her speech. And she was kind enough to be here tonight to address us because of the 219 of the judges looked at these essays and Cassie's kind of bubbled to the top. When you hear her you'll know why. May I present please Cassie Davis, now at the middle school and her mother is with her, Mrs. Jennifer.

Mr. Revoldt: Thank you.

Mr. Covey: Would you come up please?

(Applause)

Cassie Davis: In a lot of other countries in the world people aren't free. In America we have the freedom of many things – the freedom of speech, the freedom of religion, equal rights and women aren't treated unfairly. It would not be like this without the soldiers and the men and women who fight for us. They give up their time and leave their families, friends and homes; what a sacrifice. Because of them we are safe and prepared. We don't have to be scared to walk outside. I can play tennis and volleyball, go out to dinner with my family, basically have fun and be kid. In other countries and areas of the world some people cannot do that. We are protected here in America. These men and women are brave beyond belief. They have seen things I'd never want to see. Some of them have gotten hurt or even died for us. That is such a sacrifice. I know I could never do what these men and women do. They deserve a wonderful amount of respect and I honor them greatly. I am proud to be an American and I'm glad to be free. This memorial should be built to honor those men and women who fought to protect us and our freedoms.

(Applause)

Mr. Covey: Thank you Cassie. Approx 200,000 persons in Stark County heard her interviewed on WHBC radio and also read the editorial in *The Repository* and she's appeared in public at other places too. And much of the credit goes to her wonderful parents. She's got a wonderful family and I would like to introduce her mother, Mrs. Jennifer Jarvis. Something else happened in the process of this – putting together this whole program and I'd like to explain that briefly because the gentleman that joined us tonight would like to – I'd like you to meet. And what happened – in my research I almost wish this were turned around because I'm so used to speaking to the audience. And I've spoken to two audiences – one a public meeting at the public – North Canton Public Library and another meeting that I held before the North Canton School's Board of Education. It was about a 30 minutes presentation on why this project started and where it's going and why it needs supported. But during the process after one of the Memorial Day parades, my wife and I were leaving, the whole crowd had gone ... 150 people roughly, there was one gentleman that kind of lagged behind. We walked with him and learned that he was an ex-Marine. He was in good shape, he had a slight limp. So we were walking along with him about 20 minutes and got to know him. Well as it turned out, this – he was actually a Navy man assigned to the Marines on the evasion of Iwo Jima. And we begin to talk

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to him and found out about some very interesting things. He was on Iwo Jima two weeks before huge – four huge platoons – I'm sorry, divisions of Marines packed Iwo Jima with one of the bloodiest battles in the history of the world. So we're talking to Jim and I got to become a friend. And then I heard about a book. This is a book that can be put together by computer by a company in Colorado. And for example, Eric you could write a story about your kids or your kids could write a story about you, send a copy and so forth to this company and they would publish a book and here is a copy of the book. Well I was so impressed with Jim's story and after interviewing him I said we've got to do a book, because we learned that most WWII veterans and also Korean veterans and Vietnam veterans they don't talk to their families when they got home. There's probably people in this room that would raise their hand if I asked is that the case. They don't talk to their own wives or their families. But suddenly something's happened lately I discovered through some research on the web and personal interviews, they will talk to the grandkids. So the idea is to publish a book like this and feature a man or woman that was in the service just to give history and their family a chance to know what their father or mother or aunt or uncle did during the war. So I interviewed Jim, spent a lot of time with him and we've already put the book together but I wanted to show you the cover of this book and I'll pass it around. And here is the cover of this little book. Can you all – can you get picture of that? And the story is wonderful. Jim was down on the battlefield where all these Marines were dying because they were sunk in the volcanic sand and he saw the flags go up. And that really got to me. But the story is just wonderful. But at this point Jim, would you like to come up and at least say hello? This is Jim Tedrick, United States Navy

(Applause)

Mr. Covey: Well when Jim gets started I'm going to stand here because when he started he's hard to stop. He's got so much to say but you're all going to want to hear it someday and I'm going to make sure you all get a copy of the book. But Jim, we love you for what you did.

Jim Tedrick: Thank you. Well I'm going to speak a little bit loud because I'm hard of hearing and if I don't I can't hear myself. The story I want to tell you is about the American Flag. I'm a survivor of the amphibian forces of the United States Navy. I was at Iwo Jima two weeks before the invasion. And I had the experience of seeing the first wave of the landing craft being loaded from the various ships around the coast. And what they would do, they would unload in the landing craft and then they would rendezvous in a large circle and at each ship where they were unloading their troops for the first invasion they would load the landing craft and then they would rendezvous. And it was a beautiful thing to see if you want to talk about something war that is beautiful, but it almost looked like it was choreographed by someone because as they formed the invasion they begin to peel off from the circles that we're making and they formed the first invasion into Iwo. I was in the landing craft about 200 yards off the Mount off the base of Mount Suribachi and I looked up and there was no flag. About 10 minutes later all the ships whistles and horns started blowing and I thought what in the world is going on. And I looked up and there was the first American Flag it was raised on the top of Mount Suribachi. I will never ever forget that feeling and every time I see the flag go by that's the picture I see. But I could go on and talk a lot but I don't want to take up a lot of your valuable time. But there's memories there's one thing I want to ...

Mr. Covey: Inaudible... can't finish. Go ahead. I just want to do one more – go ahead.

Mr. Tedrick: Oh, okay. As far as memorials are concerned there are heroes, there are survivors, there are warriors and there are veterans. And I think it's the warriors that were behind the scenes during World War II that supplied and worked so hard and everything and I think that those people are the most unsung people in that World War II. So I'll get off the stage.

Mr. Covey: Thank you Jim.

(Applause)

Mr. Covey: You know on the cover – the cover that's going around my first headline was "First Man on Iwo Jima", he really was. But he said no Rod, no no come on now play me down I was just one of the boys there ... play me down. And we played him down a little bit. At least we say Iwo Jima remembered and we do remember you Jim. You'll be hearing more about ...inaudible... During the presentation I'm only going to hold these up briefly, at the Public Library we showed pictures of various monuments around honoring heroes and North Canton Cemetery here's the Civil War and there's some other scenes. But one of the things that happened when we first heard about the Hoover Plaque, that's that big bronze plaque on the Hoover Plant, you know about that, well we realized that when I was walking that area there in Bitzer Park, I saw a plaque on the ground about this size buried – not buried but had mulch around it and it was devoted to the heroes of Korea and Vietnam. We lost 110,000 men in those two wars and it got me thinking why not expand this to include other wars. And now we hope to show the American Revolutionary War. A lot of people think just six or seven guys stood up with a front loaded muzzle in Lexington and shot it out for the Revolutionary War. But in fact we did lose 25,000 Americans in the Revolutionary War and on and on and on up to 22 wars all together. So this is one of the panels that we were showing at the meetings at the library and to the Board of Education and one more we showed was this, which shows the Hoover Plaque that they'd be familiar with and some other scenes around town. And also our budget, which at that point after two

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months had raised a grand total of \$81,000 to finish the job. And I – you all have seen the sign ...inaudible... and council are familiar with it. So maybe just in the last few remaining moments I may bring up a few more great points because we have 64,000 veterans and some of these in the nation 1,500 WWII and Korean veterans are dying everyday, 22 burials in Arlington (Arlington National Cemetery) every single day. I was there one day when I saw the caissons going along. That's pretty heart rendering. So we've got to get this thing up as fast as we can. It did get a 19 month delay during which 2,500 veterans in Stark County alone died. So this delay must not go on any more. We should get this started. It all started in this very room on September 10th two years ago at a council meeting. We were all talking about the need for this, honoring veterans, saving the Hoover Plaque and so forth, but in that period we had another new mayor, new law director, four or five new council people. A lot of its history, but it's history should be disseminated. And I have copies here if you want to read what happened that night at that particular council meeting when everybody stood up, shouted and praised the heroes. We had some heroes sitting right here that stood up ...inaudible... being honored. So if you want a copy of this let me know. In the interest of time I need 45 minutes but I'm going to take about two more and then sit down. But what happened in the process in the last 19 months this project got stalled and it got stalled for reasons that are not quite right. In fact they're so wrong that I retained counsel to look into three items. I cannot say what they are right now or I'd rather not say who the counsel is going to be but we are looking into it and we think we have solid ground that certain things were done which were not fair to the veterans, not fair to the city and not fair to the beautiful Bitzer Park which is in danger of being changed adversely. So if I may I'm asking you that this council maybe request a public hearing where once again we can bring the complete story to the complete community to let them know exactly how important it is to get this project done and done properly and done on time. And if I may say at that point 19 months ago we had enough money to do the whole project. Now what's going forward is just partial project. And whoever is in charge now say we need another \$100,000. We don't need \$100,000, we've already got the money. Thank you very much for your time.

Mr. Revoldt: Thank you Mr. Covey.

(Applause)

Mr. Revoldt: For those who are interested in this matter, the Council will authorize the administration or have the opportunity to authorize the administration next Tuesday at a special council meeting to begin working with the committee to erect this monument on a plan and a pace to accomplish that goal by May, Memorial Day. That is our intent. So Mr. Covey, we hear you and this project it is our – I think the council's intent to consider this matter next Monday evening. Mr. Repace, I promised you last word on this matter.

Jim Repace: Hi, I addressed council last week on our Veterans' Memorial and what I heard Mr. Covey say tonight a lot of that is just not accurate. And I'm not going to stand up here, that's not the reason I originally was going to address council. But first, one of the main reasons why we wanted to do this memorial is for what you saw here tonight. The essay that Cassie wrote, the gentleman who fought in the war, these are the types of things that make us want to go forward with a project like this. This project never at any time was stalled. It evolved from like I said last week, being placed on a piece of granite to the beautiful project that we have in place today. So he's really inaccurate. And as far as the funding for this project, never ever at one time did we have \$81,000. That is just so inaccurate. So we have Kathy Fernandez as our treasurer. And there are only two people that can ever touch any of the funds and that's Kathy Fernandez and Jimmy Dansizen. You know to even say that we had that kind of funding I'd like to know where it's at and where it came from – never at one time. And I think you all know how this project got started and we don't need to rehash that tonight. But the reason that I wanted to address council tonight is last week I was asked a couple questions. One is about the corporation, why an individual who is no longer on our committee is named as the statutory agent for our corporation? When this individual was on our committee, who – he is no longer on our committee, he is the one who filed for our corporation – he made himself statutory agent. That is in the process of being changed. We have a prominent local attorney who is working on this and will file the paperwork hopefully this – well hopefully, it will be done this week and the statutory agent will be changed. In regard to that it doesn't matter who filed for the corporation. The only thing that a statutory agent does is answer any questions that the Attorney General's Office may have. So you know it's really just a figurehead and somebody – a go to person if there's a problem that we need to address amongst the committee. So there will be a new statutory agent registered with the Attorney General's Office hopefully in the very very near future. The second thing, it was brought to my attention and I think it was mentioned the other night that there's some concerns if we do the first part of this project what happens – will the city be on the hook if we can't finish the project, absolutely not. We will be able to get enough funds for this project. There's no doubt in my mind we'll be able to get enough funds. The city will not be on the hook. The only thing we're asking the city for is to be able to put this plaque in our memorial in Bitzer Park. And we're not asking for any funding from the city. I know Council Member Foltz did mention that possibly the city may have to look at doing or could look at providing, but we're not asking for that. We're going to be alright with this project. We've got some very very good people working on it and helping us with our funding of this. And I mentioned that last week that Dave Johnson is actively pursuing with foundations the funding for this project. And I don't think we need to question Dave Johnson's credibility. I don't think anybody would do that. So you know to hear some

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of the things that Mr. Covey said tonight it's a bit disturbing, it's a bit upsetting. But you know what, that's okay I can get past that. But I wanted to address those two issues of the statutory agent and the funding.

Mr. Revoldt: Very good.

Mr. Repace: But I can assure you never ever at one time did we have \$81,000.

Mr. Revoldt: Are there any other questions for Mr. Repace? As I indicated to Mr. Covey, we're prepared to hold - I'll be asking Council at the conclusion of our meeting to authorize a special council meeting next Monday night.

Mrs. Kalpac: Tuesday.

Mr. DeOrio: Tuesday night.

Mrs. Kiesling: Tuesday night

Mr. Revoldt: At which time...

Mr. Foltz: Tuesday night.

Mr. Revoldt: Excuse me, Tuesday.

Mr. DeOrio: Monday is Martin Luther King Day.

Mr. Revoldt: to vote on this matter.

Mr. Repace: Okay I - unfortunately I don't think I'll be able to make . I'm going to try my darndest, but I've got a weight lifting injury that I've got to get taken care of. I kind of did something dumb. So...

Mr. Revoldt: I don't know about that. Alright...

Mr. Repace: I don't think I'm going to be able to make it.

Mr. Revoldt: You're set to go.

Mr. Repace: Alright.

Mr. Revoldt: Alright?

Mr. Repace: Alright, perfect. Thank you.

Mr. Revoldt: Mr. Covey, unless there is really something else that is going to alter council's decision Monday or for next Tuesday night, we'd really like to move on from this session.

Mr. Covey (speaking from audience): I think it will. I promise to take one moment.

Mr. Revoldt: One moment sir.

Mr. Covey: Thank you. I wish I had an hour to tell you all the great things that have happened that no one even knows about. Modesty doesn't become me but sometime you have to say things in order to get the truth out. But number one, the Statutory Agent he talks about has nothing to do with it and who is the chairman and who on the board. And who came to Legacy Bank, four people just on the committee two of whom did nothing and two of whom did - there was six people, three of them did nothing to promote this project. I raised every single penny. It was my modesty but it's true, I raised every single penny including the \$44,000 pro bono work - \$84,000. Number one, the group went to the bank, I won't mention that bank's name, but that bank has a problem and that's going to become one of the items that our attorney is going to look into because these people marched into the bank with just a piece of paper where A nominated B and B nominated A and C nominated D and they all became officers and said I'm no longer part of it. Well I got one big surprise for them. Of the people who donated money for this and there weren't that many people, but there were some anonymous big donors and one foundation, but at this point 14 persons have called me and said they want no part of this and in effect they want their money back because the original plans were A and the plans now are B and B looks nothing like A. And as recently as last night a gentleman called me who made a substantial donation and said I don't want any part of this, I want my money back. We'll put it in escrow, meet with whomever, including someone on this committee and get this thing straightened out. And all I want to do is get that plaque up and done properly. Thank you.

Mr. Revoldt: Thank you. Mr. Covey, I want to - I think this Council and this will be in the record, recognizes the roll and thanks you for the roll that you've played in launching this project. Correspondingly I think this Council, and I believe I can speak for it, thanks the current committee for its effort to move this project forward. And for anyone who has any question about the appearance of this project, we do have drawings and I think it would be evident that a huge amount of thought has been given to taking what was a very good concept initially and further improving it. And I think this Council is going to vote next Tuesday night on that new and improved concept. We think it really speaks to, I think the highest order and value that we place in our veterans living and deceased. So, Mr. Covey if you would be kind enough to take your seat I think we have some other people who...

Mr. Covey: Okay. Will there be a chance for me for that hearing? I asked for a hearing.

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Mr. Revoldt: Absolutely, we're going to be here next Tuesday night so you will have an opportunity to be here.

Mr. Covey: Okay. Thank you.

Mr. Revoldt: Thank you. Mr. Osborne.

Chuck Osborne: 307 Fairview Street SE – North Canton, Ohio. I spoke a week ago at the Council of the Whole and I want to just reiterate my comments so it's on the record. Talk is cheap here. To promise you're going to have the money and having the money is two different things. And in this economy I think you'd better have the money in hand before you start disassembling Bitzer Park and finding out that things aren't coming together as planned. As I said last week, this is an excellent endeavor. I'm a veteran myself, 12 years in the Navy as well as the Army National Guard with a rank of Captain when I got out. I think you're undermining the merits of this plan by trying to cram it into Bitzer Park. It's a very small park, you have another theme up there which is Boss Hoover and to try to relocate Boss Hoover and to make room and shuffle everything around, you're undermining your efforts here, your goal. Also, Mr. Repace spoke last week and said that he had concerns that the initial plan here was to just do the World War II portion and then periodically I guess add on to it. I don't know if that's still the plan or not. Again, as I spoke last week, the memorial would have a lot more meaning for everyone if it included more current conflicts – Vietnam, Golf War I and II, Afghanistan, you would have more support from the younger generation and all living generations here if it was more current. I'm aware of the unsettled past and quite disturbed at how Mr. Covey has been treated. I tried to mediate some of this with Jack Baker, an attorney. I would urge this council to not rush into this, let things settle out, let the money be collected and at your suggestion Mr. Revoldt, and I believe also Mr. Davies', we find a more suitable location that's totally devoted to our veterans.

Mr. Revoldt: Well my exact suggestion was the preservation of green space.

Mr. Osborne: To try and put 20 pounds of potatoes in a 10 pound sack and that's what you're doing up there at Bitzer Park. It's an excellent endeavor. There's been a lot of good work by both the current committee and Mr. Covey, but here it is in January to think you're going to come up with the money and finalize a plan and excavate it and have it done by Memorial Day is not prudent thinking. So I would urge you to deliberate longer on this. And also as I mentioned, settle what is going to be done with the expansion of or the widening of East Maple and the needs of the Y. As I said last week, there's a need to get that parking lot on the corner of McKinley and East Maple dedicated to the city so we can expand Bitzer Park some and also accommodate the growth needs of the Y. So please do not rush into this. I've seen so many instances where this city has rushed into decisions and made emergency legislation and it's only come back to bite you time and again. So please deliberate long and hard on rushing into this. Thank you.

Mr. Revoldt: Any questions or comments?

Mr. Repace: Thirty seconds, I forgot to tell you something that has to do with the fund raising.
Mr. Revoldt: You risk a second injury.

Mr. Repace: Yea, really, you're right. One thing I forgot to mention. We've also contacted Congressman Boccheri's Office to find out if the American Recovery and Reinvestment Act we could enter into that. Seeing as this is a shovel ready project and it will create jobs by doing this. So if we could get that stimulus money or grant through that Act, then that would just get this project going. So his office has already been contacted and we're currently trying to see if we can something done through that Act. So thank you.

Mr. Revoldt: Alright, any more comments or questions regarding the memorial matter? Seeing none, is there anyone else who wishes to address Council this evening?

Veronica Dickey: Yes, I'm Veronica Dickey. I live at 4496 Noble Loon Street in Jackson Township. I came here tonight to talk about the potential chicken ordinance. I come from a unique prospective in that I have a Bachelors of Science in agriculture as well as an RN from Kent State University and my Bachelors of Science in agriculture is from Ohio State. There is a woman, she has six chickens that are well taken care of, that stay within the boundaries of her yard, she has them fenced in. She's also had the Stark County Health Department come to her residence unannounced to check the property and they have found that her chickens are very healthy, that there are no diseases or there are no health issues. If they had found any, they would of written up some violations and she would have had to improve on that. At the last council meeting one of the items that was brought forward was the concern about her chickens attracting rats. She only has six chickens and she's had these six chickens for eight months or more – between eight to nine months - I don't know exactly for how long she's had them. But if she had a rat issue, most certainly the Stark County Health Department would have known – noticed that. You'll see pellets, you'll see nibbling, there are things, there are signs that would state that there's a rat problem. And again they would have written up a violation and they would of told her that she has to get this problem resolved. When it comes to the issue of people being concerned that these chickens might spread some kind of disease to people, the important thing

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is the cleanliness of the chickens, which the – Barb Benson has already proven because of her clean bill of health from the Stark County Health Department that there is no health issue with the chickens. It mainly has to do with how is she raising the chickens and mostly has to do with the cleanliness of the chickens. Again, she's had the chickens between eight to nine months and there has been no issues within her family or within the neighbors on both sides of her. No one has complained about some type of health issue from the chickens be it Aspergillosis, be it Salmonella. And again, nine months, eight months, nine months is plenty of time if there was going to be, again, a health issue it most certainly would have already manifested itself as well as if there was going to be a rat issue that rat issue would already be manifested and it would be an issue. What I don't understand is can someone tell me is there – are there lots of backyard chicken breeders in North Canton? That I'm – I mean I – am I unaware, are there lots of chicken breeders in the City of North Canton?

Mr. Revoldt: I believe there are a handful.

Ms. Dickey: What was that?

Mr. Revoldt: A handful perhaps.

Ms. Dickey: A handful. And have there been significant complaints against this handful of chicken breeders?

Mr. Revoldt: There has been a complaint against this particular chicken breeder.

Ms. Dickey: And is that person here tonight?

Mr. Revoldt: The complainant?

Ms. Dickey: Yes.

Mr. Revoldt: I don't believe so.

Ms. Dickey: And were they here last week?

Mr. Revoldt: I think he has spoken through his councilman.

Ms. Dickey: Okay, I mean cause...

Mr. Davies: Well they were here several – at the first meeting and spoke up about the odors and the problems.

Ms. Dickey: Now if there was odors – okay you said he spoke about the odors and the problems. Can you be specific, what were the odor – okay so one of the problems was odor ...

Mr. Davies: Right.

Ms. Dickey: And then you said problems. So can you define problems?

Mr. Davies: The problem was the odor and they complained at sometimes noises and so forth.

Ms. Dickey: Now if there was an odor issue with...

Mr. Davies: Mam...

Ms. Dickey: Wouldn't the Stark County Health Department have stated that?

Mr. Davies: Hold on, you asked about a complaint. There was a complaint mam. No, not necessarily because I was – I went to our –Tom Hampton who is the head of permits and so forth and I asked him about the odor problem and his comment was odors are hard to enforce. While there are laws about noxious odors and so forth it is a hard law to enforce because they can be there one day if it's a hot and humid you know moist day there may be odors. The next day if it clears up and so forth and a breeze blows there may not be. So he said it's very hard to enforce odors unless it's a constant you know problem. That's what I was told. So...

Ms. Dickey: Okay.

Mr. Davies: You know when the Board of Health came out there may not of been a lot of odor that day or the person that came out may not have had a very sensitive nose. I don't have a very sensitive nose for odors. My mom has three dogs or did have three dogs she did have to get rid of one, but – and her house tends to smell like dogs. I don't notice it, my wife does. Okay different people have different sensitivities to odors.

Ms. Dickey: Well it seems like – so there's one complaint from one neighbor and it seems to me like probably this is a neighbor dispute that's been brought before the council and then it's going to be sort of exploded into this big ordinance sort of thing. And it seems like...

Mr. Revoldt: This is exactly how matters get resolved because it has not been resolved at the neighborhood level. It has now come to council, council is reviewing legislation and we have listened to some of the comments from the previous meeting and we're going to move forward.

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Ms. Dickey: I just don't understand why – why isn't the neighbor here tonight to discuss it.

Mr. Revoldt: He was here.

Mr. Davies: The neighbor has been here. You know how many times can you get up here and say the same things? You know you mentioned the chickens have been penned up. The chickens have at times run all over the yard, they weren't penned up.

Ms. Dickey: Well they're enclosed. Have you have you...

Mr. Davies: No, they were – in the summertime they were out in the backyard running free range throughout the whole yard. They were, I saw them.

Ms. Dickey: Have you seen the property?

Mr. Davies: I have.

Ms. Dickey: Have you spoken with Barb herself?

Mr. Davies: No, I have not.

Ms. Dickey: And see this is the other thing I don't quite understand is...

Mr. Davies: Let me ask you, what would be the point. Last week you know we originally were going to ban chickens, then we decided to compromise, okay. And the lady stood up last week and said well she didn't – she wouldn't compromise she wanted...

Ms. Dickey: She said she has...

Mr. Davies: No, she said she wouldn't compromise...

Ms. Dickey: She has...

Mr. Davies: she wanted to do what she wanted to do.

Ms. Dickey: She has...

Mr. Davies: So what's the point of talking?

Ms. Dickey: She has six chickens and this has and the six chickens are her pets. So you're asking her to get rid of two of her pets. And she got the chickens when...

Mr. Davies: First of all if you had read – reread the ordinance it has been changed to allow six chickens because of last week. We're bending over backwards to compromise. Okay. And Barb stood up last week and...

Ms. Dickey: You're going to allow six chickens?

Mr. Davies: said she wasn't going to compromise. So you know it's just ludicrous.

Mr. Revoldt: That's precisely correct.

Ms. Dickey: Okay well then that's that's good to hear, that's good to hear.

Mr. Revoldt: So I think we have tried to find a good compromise. Our experience is that when we have individuals that are not willing to compromise we invariably develop an adverse situation in the neighborhood. And so I can tell you from my perspective and I am only one vote...

Ms. Dickey: Okay.

Mr. Revoldt: when I find a resident who is unwilling to compromise in a municipal setting on a matter like this, I'm not heartened by and I'm more inclined to put my faith in the ordinance than in the individual.

Ms. Dickey: I mean she has six chickens. I don't think she plans to get any more chickens.

Mr. Revoldt: I understand that but what I didn't hear or what I'm not hearing is any sensitivity to this neighbor who may find the odor, the potential noise or the potential pest a problem.

Ms. Dickey: I, I, I well what I would think – what I would think that council should do in that case is you listen to the man who has the complaint and then you talk with the person that he has the complaint against and you go to the property and see for yourself what it looks like...

Mr. Revoldt: Here's what we're going to do. We are going to bring some structure to this matter.

Ms. Dickey: Okay.

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Mr. Revoldt: And we are going to do that through an ordinance. Having held three public meetings on this matter where anyone who is interested can provide input. And as you will find in a few moments we have listened carefully and have taken some suggestions from the critics of the ordinance. But we may find that council is not willing to completely walk away from the matter without an ordinance.

Ms. Dickey: Okay, but you're saying that the ordinance would be six chickens is what you're saying?

Mr. Revoldt: I am proposing six chickens.

Ms. Dickey: Okay.

Mr. Revoldt: And six chickens are what farm stores sell.

Ms. Dickey: Yeah, well the reason – the reason – the reason she initially got six chickens is because that's the minimum they would sell to her. And they said it's because the chickens – I have a degree in agriculture, the chickens you need to have a certain number so that they can help maintain the warmth and their body temperature. And that's why she has six.

Mr. Revoldt: Mrs. Kalpac, our Clerk, is an expert on chickens and she has called the farm store to verify that's the number that they sell. So we understand it, we're going to move on.

Ms. Dickey: Okay.

Mr. Revoldt: I think this conversation is sort of come to an end.

Ms. Dickey: What – I mean – I just – I came tonight because I found out that last week it wasn't really – it wasn't on record.

Mr. Revoldt: It is tonight.

Ms. Dickey: Okay, good.

Mr. Revoldt: Actually it is on record.

Mrs. Kiesling: Yeah, it's taped.

Mr. Revoldt: But there will be a transcript of this particular meeting.

Ms. Dickey: Oh okay, alright.

Mr. Revoldt: Alright. Now let me just – as long as we're providing and I am get on my high horse here...

Ms. Dickey: Okay.

Mr. Revoldt: We live in a municipal – municipality, we live in a city.

Ms. Dickey: Right.

Mr. Revoldt: We live in an area and particularly that where the properties tend to be at the minimum of R-70 and that is one of our residential zoning lot sizes. We have people in effect in very close proximity. We also have an older neighborhood.

Ms. Dickey: Okay.

Mr. Revoldt: Where the care and the maintenance of each individual property is important to the economic health of every neighbor. If one property looks bad, smells bad it may impact the investment of everyone who lives on that street. And that imposes upon that property owner who has six pet chickens a special obligation to her neighbors to care for those chickens in a way that doesn't reduce their property value, their investment.

Ms. Dickey: And I do believe she's trying very much to do that by the good care that she provides for the chickens.

Mr. Revoldt: Here's what I'd like you to hear. We're concerned about this and we're willing or at least we will ask council to provide a compromise.

Ms. Dickey: Okay.

Mr. Revoldt: But, understand that if this particular pet owner does not fulfill her obligation unwritten to her neighbors, this issue can come back and it can become far more restrictive than it is now. The issue speaks to our concerns, free ranging chickens, volume, roosters, slaughter, rodents, that's the message – if you want the right then enjoy the responsibility. Is there...

Ms. Dickey: I don't – and I don't think she has a problem with the responsibility.

Mr. Revoldt: Okay. Is there any ambiguity in my comment?

Ms. Dickey: Well she's not – these are pet chickens she's not going to be slaughtering her chickens.

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Mr. Revoldt: Well I understand that. But she's raising them for eggs and I appreciate that.
Ms. Dickey: Yeah, I mean...

Mr. Revoldt: I think we're going to display an appropriate level of sensitivity.
Ms. Dickey: That's good.

Mr. Revoldt: But the expectation is that this constituent will not allow this to become a problem. Is there any misunderstanding about that?

Ms. Dickey: No. The only – the only – the only – the only concern I would have is if there is sort of like a personal thing between neighbor to neighbor and if one neighbor is not necessarily telling the truth.

Mr. Revoldt: We're not going to get into that.

Ms. Dickey: But do you understand where I would come from that?

Mr. Revoldt: I absolutely do.

Ms. Dickey: You know if someone is mad at me they could make – say a lot of things that aren't true.

Mr. Revoldt: Again, let's come back to – let's come back to this central point, we have an old first ...inaudible... suburban community, we have older homes, it is absolutely imperative that every property owner do his or her best to preserve their particular property. They do that for the benefit of everyone who lives on the street to protect their investments. That's the acknowledged implicit responsibility.

Ms. Dickey: And Barb – Barb Benson is here tonight and I'm sure she'll come to the podium and talk and discuss her...

Mr. Revoldt: Okay.

Ms. Dickey: And I'm sure she understands what you're saying and understands her responsibility in maintaining a clean, good, high quality ...

Mr. Revoldt: Good and that is our expectation.

Ms. Dickey: you know residence.

Mr. Revoldt: Very good. You've been a wonderful advocate for her. And if she would like to speak to the council we welcome her at this time because we'd really like to move on with our agenda when we're finished.

Ms. Dickey: Okay.

Jody Farnsworth: I'm Jody Farnsworth. 1342 Farrell Street – North Canton. The one thing that I just heard that's just a little concerning is when you were saying what is the point, Mr. Davies and you were saying this is how you settle things. Maybe I was brought up differently. If there's two people disputing things and you can't talk to one another and a mediatory comes in that mediatory talks to both parties, does not just talk to one party and then make a decision. So that was a little concerning. The gentleman involved, I've been here for three meetings on this, the gentleman has not been here at all. I think that's a little telling too and a little concerning about where the following is here. And I don't know how this is going to be enforced. You say you are not going to get involved with neighborly disputes. But what if this gentleman says I see ten chickens out there? Are you going to go knocking on doors?

Mr. Revoldt: Yes.

Ms. Farnsworth: What if - you're going to go knocking on doors?

Mr. Revoldt: Absolutely.

Ms. Farnsworth: And do you know how many chickens the other families in the city have?

Mr. Revoldt: Here is my expectation and I think it's the council's. We have listened, this group has listened to the concerns of the chicken owner. It is our expectation that this individual will accept this compromise and honor the spirit of it. So the discussion of whether it's five or ten is irrelevant because what you're telling me is this person's so good hearted and so conscientious that she...

Ms. Farnsworth: I'm not talking about her. I'm talking about a complaint.

Mr. Revoldt: Look, we expect that this individual, considering the options of an outright ban, we have made an effort to accommodate her wishes, the individual will obey the law. That is our expectation.

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Ms. Farnsworth: Okay.

Mr. Revoldt: It's just really that simple.

Ms. Farnsworth: And the bigger concern here of what I spoke of last week is you're setting a dangerous precedence in a lot, and I'm speaking for myself, my eyes. The first time I ever spoke with Mr. Davies before I came the first time, we had a conversation about the chickens and I know, so please don't jump down my throat, you took the talk about dogs away. Okay. So please just allow me. And I know maybe you'll disagree but we had a conversation and you spoke about your neighbor across the street have Presas and how dangerous breed and the breed shouldn't be in a neighborhood – yada, yada, yada, and it was going to be addressed. Now the very scary thing here is this whole chicken mess started with banning farm animals, then you take it to four and you had a wonderful compromise at six. But you're saying you're not looking at dogs now until who complains, a neighbor complains and has a dispute and then you're going to look at breed selection? That is a very scary thing. I'm done talking about chickens. As I told everybody it wasn't about chickens for me. For me it's a precedence that you're setting. Listening to somebody, a neighbor, maybe somebody doesn't like how many dogs I have or the kind of dogs. That's very scary, especially knowing sir that you sit there and are on this council and what's to come.

Mr. Revoldt: Let me respond to your question just very quickly. We have a dangerous dog ordinance that was written oh probably in the early 90's and it is fairly broad and covers all breeds.

Ms. Farnsworth: I'm familiar with it.

Mr. Revoldt: And so if the dog is deemed dangerous and there's a legal definition that's been sustained by the Ohio Supreme Court that the community could take action. So it's there. I don't think the council and I can't speak for anyone else, is going to move against certain breeds of dogs. I don't believe we've had any problems. There is a dog ordinance in place already that's sufficient.

Ms. Farnsworth: We'll see.

Mr. Revoldt: Thank you. Alright, anyone else on chickens? Okay, affected party.

Barb Benson: I assume you all know who I am, but for the record Barb Benson. 716 Penny Street – North Canton. My husband is out of work so I wasn't able to make copies for everybody but I'll give my copies to the Mayor who I trust and he can divvy out copies to everybody after that. First off – gees I'm not even sure where to start right now. A rat issue is never going to be an issue. Alright. Like I stated before I have many years of experience taking care of farm animals, the feed, the proper care of cleanliness, housing and whatnot. Alright. That's not an issue. Understand it may be an issue in some ways for certain situations. It's not going to be for me. Okay.

Mr. Revoldt: Good.

Ms. Benson: Two, due to - to medical issues, health issues of pretty much everybody in my family actually, part of the reason for growing my own vegetables, raising my own eggs, getting free range meat from my brother, alright from his cattle, is to avoid the chemicals, the steroids, the hormones and all this other trash stuff that they shove down animals without anybody even knowing it. Okay. That's the reasons why – one of the many reasons why I have the chickens. Two, yeah they're pets okay. Yea, I can go up and pick up two of them and just cart them around with me anywhere I well please. That's how friendly they are. Alright. If you take my ability to let them go out into their garden, into my garden, let them go into my yard into my grass area, eat the bugs, eat the grass, eat the weeds, whatever, you're confining them. And keep in mind the fence around my property keeps them within the fence within the property. You are confining my chickens to a area where they cannot do that. Alright. Now I'm always out there with them when they are loose, always, ask my husband. If I have to come in to go get a drink I call one of my guys out you've got to stay with the chickens – watch them. Okay. Responsibility is not an issue here. Compromise is not an issue here. Alright. Just for the sake of the information, along with a copy of the Stark County Health Department, alright, which is public record, a little birdie told me about an ordinance that apparently the council was not aware of, established July 1, 2004, Ordinance No. 925.62 among other things it talks about coloring rabbits and baby poultry and such like that, but half way down through the ordinance it says, "....no poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six...." It is already an established ordinance. Established six years ago by this city.

Mr. Snyder: It's not our ordinance number.

Mr. DeOrio: That's not our ordinance number.

Mr. Snyder: Or not the City of North Canton.

Mrs. Kalpac: It's the Ohio Revised Code.

Mrs. Kiesling: It could be the Ohio Revised Code – it's not city.

Mr. Snyder: That's not our number.

Ms. Benson: Under North Canton ordinances through your Permits and Inspections' Office? Well if it's an Ohio Revised Code...

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Mrs. Kalpac: It's code.

Ms. Benson: then the North Canton you know Conway Green.com. North Canton...

Mrs. Kalpac: If we don't have an ordinance we follow code.

Ms. Benson: information here is incorrect. Alright. And then so is your Permits and Inspection's Office because it's on their website and their instructions and such as to where I got this. Okay. As far as my neighbor next door goes she moved in a year ago, her and her husband. Alright. They've got a young girl. Ava is probably three now, somewhere around there. Okay. I have with the concept, the idea that as long as you take care of your animals there should be no problem with people playing with them, loving them, holding them, spending time with them. Mr. Mayor if you would please.

Mayor Held: Would you like me to pass these around and then are you submitting this for the record or do you want these back?

Ms. Benson: Yeah you can do with that as you will – there's also a copy of the ordinance here too.

Mayor Held: I'm sorry, Mr. President, I'll pass these around and then we can submit it.

Ms. Benson: There's also been a great deal of public support in my favor. And a great deal of quite negative comments in regard to certain members of this council. Okay. There has been a lot of laughing at North Canton because this was even discussed in council. Okay. You sir, Mr. Revoldt, said that you wanted to put in an ordinance regulation in order to protect the value of North Canton. Right now we're pretty much the blasted laughing stock because of this. Alright. This is ridiculous. There are so many people out there that agree with that. There are comments on blogs about replacing town council members with the chickens. It's not my – you know people signed into this – this blog, I didn't. The lady who has the complaint next door, she did. Okay. She's also making other accusations about all kinds of things that she really has no idea what she's even talking about. She has no current or accurate information in any way shape or form. Originally it was her father who came over and said Avian Bird Flu. That problem was solved there is no Avian Bird Flu in all of North America. Okay. Then it was salmonella. Okay, you cannot get salmonella from chickens running around in somebody's grass in their yard. Okay. Then it was property values. He compared their property to Bob O Link. Excuse me, if they wanted a property value compared to Bob O Link they should of moved to Bob O Link. We have got – our home was built in 58', they're small little ranches. They're probably what I think that's the one of two, possibly three two story homes in the area. I have got – I kind of sit on a corner in the neighborhood. And the lady directly behind with me she's right up against my property, I mean right up against it, alright, she's got no problem. The lady across the street, right across the street from me, she's got no problem. Okay. There are – you go around and you talk to neighbors about my chickens. Okay. I have not heard one negative person in my entire neighborhood say, oh Barb that's wrong, with the exception of the lady next door to me and her property value. She even had the comment when the one meeting, the original meeting that they actually came to, that she said that she was going to have any more kids because I have six chickens in my yard. Okay. That's extreme. That's pretty petty. I'm sorry. You know if you want more information on the way chickens are raised and taken care of and handled, start with a movie or a film that's called *Food Inc.* It will open your eyes. I'll guarantee you everybody here will lose weight. No, it's not directed towards anybody I apologize on that one. You do not want to know the kinds of things that your food, the way it is handled. Okay, I don't know what else to tell you folks. The issue of between four and six chickens you know you accuse me of not wanting to compromise, I had already stated the fact that I already had the chickens. Normally under normal circumstances and basically any other area, okay, people who already have something and then the law is changed, they're automatically grandfathered in. Okay. You sir told an individual, a very reliable individual, that you had no intention of doing that. Okay. At that point you decided that you were going to be stubborn and difficult and not compromise. So as far as the compromising goes sir, you're the one that started that ball going. Okay. This is ridiculous. This should never have come before council. If Heather had a problem with the chickens, she should have come to me and she should have said, Barb can we work this out, Barb can we do something. Instead she comes to me and she says I don't know Barb, I'm not going to have any more kids because of this. You know before all this occurred Heather and I were sharing – you know I was growing my own tomatoes, I was giving her stuff – tomatoes, ..., strawberries, grapes, peppers, you know the whole – she didn't have a problem with getting all that free stuff. Okay. She only had a problem when all of a sudden chickens were in the yard. And as far as the noise goes, have you ever raised chickens?

Mr. Davies: No. But I - when I was younger the people across the street had – in fact people on one side and people on the other side both had chickens and there is noise sometimes, they do cackle and they do squawk and so forth at times.

Ms. Benson: Yeah they do. Okay. In the morning when they lay eggs. My chickens are in the garage in their penned up area when they lay their eggs. That's where their nest is. Okay. That's that's where they're at. And until they decide that they want to come out in the snow, which they don't like to do very much, that's pretty much where they stay. In an enclosed area you know sectioned off in the garage where rats cannot get to them, mice cannot get to them. It's a concrete one piece floor, concrete brick walls, doors are closed, windows are closed. There's no problem. Okay. Now

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personally and this is my own personal, you know opinion, you Mr. Revoldt and Mr. Davies has their own agenda on this. I don't know what that is. Maybe you're sitting there pushing buttons to say oh well let's see how much – how much we can get away with as far as you know pushing the little people around. That's what a lot of other people are saying. Okay. And Mr. Davies, this – in my opinion if somebody ran against you, you would not be sitting in that seat.

Mr. Davies: And if people choose to vote that way that's their prerogative.

Ms. Benson: That's true.

Mr. Davies: And you know that's fine...

Ms. Benson: Maybe you should consider that.

Mr. Davies: And if someone chooses and people vote for them that's the way democracy works.

Ms. Benson: And...

Mr. Davies: But I still have to – have to vote my conscious and do what I think is right. Okay, I know you don't and you know some of the people out there don't. You know you've talked about all the people on the blogs and so forth, the blogs and stuff I've seen people don't sign their names, they don't give their addresses. The emails we've gotten here at City Hall from residents who do sign their names and do give their addresses have pretty much been, please don't allow chickens I don't want them next to me. I've had far more of that than I ...

Ms. Benson: Okay.

Mr. Davies: in fact the only emails and stuff the letters we got stating that people wanted chickens and so forth were not signed and there were no addresses.

Ms. Benson: Okay. May I have a copy of those emails?

Mr. Davies: Absolutely. I'll bring them next week and you can have them.

Ms. Benson: I'd really like to see those emails.

Mr. Davies: In fact Gail's got them. Gail will make you copies...

Ms. Benson: Okay.

Mr. Davies: and she'll see that you get them.

Ms. Benson: Okay. That sounds fine. I would really like to see those emails.

Mr. Davies: Okay. Because we've gotten a number that have come in and said please I don't want chickens. And we've gotten you know we just have - the people that sign their names don't want them. The people that you know, don't sign their names or use pseudonyms you know tend to be on your side. But I've got to go...

Ms. Benson: Well excuse...

Mr. Davies: by constituents and people that live in North Canton and actually sign their names.

Ms. Benson: Well just for the record.

Mr. Davies: And Gail will make you copies. Gail, if you'll do that tomorrow and have them you can come and pick them up.

Ms. Benson: Just for the record, there are many people who have absolutely signed their names – husband and wife, teams, a lady out in Malvern or Marlboro, Jody...

Mr. Davies: Marlboro is a farming community. You know I'm concerned about people in North Canton.

Ms. Benson: It doesn't matter.

Mr. Davies: I'm really concerned about people in North Canton...

Ms. Benson: North Canton was a farming community.

Mr. Davies: Not Malvern.

Ms. Benson: And as of – as of July the 1st of 2004, this was the rules. And I don't know why you guys managed to forget it.

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Mr. Davies: Well mam we've already said we've changed it so that you can have six chickens. We've compromised. We've...

Ms. Benson: I was allowed to have six chickens to begin with.

Mr. Davies: you know you came in said you had to buy them in six and we said okay. I...

Mr. Revoldt: Alright, okay, we're - this is not the House of Commons. We wanted...

Mr. Davies: I don't get it.

Mr. Revoldt: we wanted to give you an opportunity to express your views. Is there anything new that you would like to add to this dialogue before we move into our agenda?

Ms. Benson: Okay, new. This is from my point of view. Next time you guys want to take on a challenge, first you'd better realize how many people are out there that are against it. And first before you decide to take on a challenge, talk to everybody, everybody that's involved. Not one of you have come out to talk to me once. Not one of you have called me on the phone. You - like I've said before, you sit up in the church parking lot and you stare at my property and you watch what's going on and you're too ... You know my chickens have more guts than you people right now. And I'm sorry but that's my opinion.

Mr. Revoldt: Well...

Ms. Benson: You've got not blasted guts to come up to me and say, hey, Mrs. Benson can we see your birds? Can we see how things are over here?

Mr. Revoldt: Mrs. Benson, I would just - and we're going to wrap this up, but I would simply say that the record will indicate that you've been given ample opportunity to express your views to this council two consecutive evenings. You've had a terrific opportunity to change people's minds and in fact some of your comments have shaped our thinking. We don't necessarily agree in totality with everything you've said but we're not exactly unresponsive to your plea and I think that's reflected in our attempt to amend this ordinance this evening. So I'm going to ask you to return to your seat. Is there anyone else who would feel deprived if they don't have an opportunity to speak to council and get on the record? Mam, please state your name and address please.

Jennifer Miller: 920 South Main Street, #302. I would just asking council to consider the laws already in place are enforced instead of creating new ones. There's quite a few nuisance laws that I see go unchecked whether it's abuse, neglect, lease laws, noise, picking up of waste, animal waste, condition of property be considered instead. The number of chickens for six, that just seems kind of arbitrary to me. I mean there isn't really a set - I mean what if somebody has seven chickens that are sufficiently taken care of and they have a property in excellent condition? It just seems to me that it's - you should be focusing on more like I said specific nuisance laws instead of creating new things cause it doesn't make sense. Cause like I completely agree with the snowball effect, once you start one thing it's a slippery slope. I mean this was originally a farming community - ex-councilmember Doug Lane on Summit Street, he lives in the old farmhouse down there in the southeast section. It just seems to me if somebody is taking care of the animals, they're well cared for, their property is maintained, it seems to me that this is kind of excessive. Thank you.

Mr. Davies: May I say something real quick. We've had a number of people talk about laws not being enforced. It's been, to me when councilmen are called or the police are called or Mr. Hampton is called and so forth, we do come out and look and do enforce what can be enforced. Often times people do not complain or call. But we don't have enough police officers or people on the staff of permits to go around neighborhoods looking for problems. We just don't. We depend on people to call and place complaints. I've had people call me with complaints and when I say well I'll go to this or go to that, they well I don't want to cause problems. I don't have problems in the neighborhood ...inaudible... I don't want you to do that. You know if somebody makes a complaint I guarantee every member of this council takes it seriously and does their best to investigate and so forth and take it to the proper authority within the city. Often times people don't call and that's why some of these problems that you bring up go you know go unabated because we don't know about them. Okay. The proper authorities don't know about it. You have to let us know. And when there's a complaint we do try to investigate and we do try to you know make things better, see that laws are followed and then occasionally you have to institute or create a law if a problem you know crops up that wasn't there before. So you know it's not that we're not trying to enforce laws but we have to know that they've been broken or that there's a problem. That's it.

Mr. Revoldt: Okay. I think that we've pretty well beat this to death. Let's move on then to old business. I'd like a motion and - excuse me...

Mr. DeOrio: I just wanted to say that during the break Mr. Covey had given me a note and I ...

Mr. Revoldt: I have it here and we'll catch him...

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Held Monday, January 11, 7:00 p.m. 20 10

Mr. DeOrio: I just wanted to say out of fairness if he wouldn't mind just saving that till next week and whatever you had to add you can add at that time given that the hour is so late. And as our Council President has often said the brain can only absorb what the body can endure. So...

Mr. Revoldt: What the body endures – and we're to that point. Let's move on then to our old business. If I could have a motion and second to amend Ordinance 112-09, Sections 3 and 4, changing the number of live chickens from four to six, inserting "when outdoors" to Section 4(1),(2) and (3) of that section and under Section 5 to require rodent proof containers for feed and prohibiting the dispensing of feed on the ground and then under Section 6 of that ordinance to prohibit slaughtering of chickens in the City of North Canton.

OLD BUSINESS:

9. Mr. Davies moved and Mr. Peters seconded to **amend Ordinance No. 112-09 as stated above.**

Mr. Revoldt: It's been moved and seconded. Clerk would you call the roll for the amendment?

All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio(yes to the amendment), Foltz, Kiesling.

No: 0

Mr. Revoldt: May I have a motion to read by title only, second reading of Ordinance 112-09 as amended?

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading, as amended,** Ordinance No. 112-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

Ordinance No. 112-09 – 2nd Reading – Ordinance, Rules, & Claims

An ordinance prohibiting the keeping, harboring or permitting of an excessive number of live chickens within the City of North Canton and declaring the same to be an emergency.

Mr. Revoldt: Are there any other questions or comments?

Mr. Snyder: Mr. President, I'm somewhat perplexed here. If we're now going to allow six chickens, where's the problem lying at? This woman has six chickens – where are we going to do – is there some other enforcement on this ordinance that...

Mr. Revoldt: The reason that we've got six is as it was explained...

Mr. Snyder: I understand that. But I'm saying this woman has six chickens, where's the enforcement coming on it, against the – not the number of the chickens, but they're going to be contained in a certain area? Is that it?

Mr. Revoldt: Yes. Yea, and that is – that is addressed that you have to have three square feet per chicken. Correct?

Mr. Nilges: Correct.

Mr. Snyder: So you need eighteen (18) square feet?

Mr. Nilges: It's now eight – it has to be at least eighteen (18) square feet if you've got six.

Mr. Snyder: A pen or a coup or what do you call it?

Mr. Nilges: Right. It's a container – I gave away my copy of the ordinance if you don't mind. It's a yard or pen I think is the way it's described – yard or pen.

Mr. Snyder: Oh they have to caged at all times?

Mr. Revoldt: Yes, absolutely. No free ranging.

Mr. DeOrio: Point of information. Did the Law Director mean to say at least or at the most?

Mrs. Kiesling: It does say at least.

Mr. Nilges: It should say at most.

Mr. DeOrio: I think – I don't...

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DAYTON LEGAL BLANK, INC., FORM NO. 101-68

Held Monday, January 11, 7:00 p.m. 2010

Mr. Revoldt: Here's what we're going to do, we're going to give this another reading anyway. So we're not going to rush this thing through. We'll make that note correct it at the next round. Are there any other questions or comments? Hans, would you make note?

Mr. Nilges: Yes.

Mr. Revoldt: Okay, do we have a motion to adopt the second reading of Ordinance 112-09 as amended?

Mr. Davies moved and Mr. Peters seconded to **adopt the second reading, as amended, of Ordinance No. 112-09.** All members present voting:

Yes: Snyder, Davies, Foltz, Kiesling, Peters, Revoldt.

No: DeOrio.

10. Mr. Revoldt: Item 10, a motion to read by title only, second reading of Ordinance 115-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 115-09.** All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Ordinance No. 115-09 – 2nd Reading – Street & Alley

An ordinance authorizing the vacation of a portion of Alley No. 26, situated approximately 131.45 feet south of 6th Street NE and running in an east-west direction approximately 448.65 feet having Orchard Avenue NE as the western terminus and Park Avenue NE as the eastern terminus, and located within the corporate limits of the City of North Canton.

Mr. DeOrio: Mr. President, this has been the subject of a public hearing, we've heard from the councilman of the ward and others on this. And I would move for passage of Ordinance No. 115-09.

Mr. Peters: I'll second.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the second reading of Ordinance No. 115-09.** All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

NEW BUSINESS:

11. Mr. Revoldt: Moving on to new business, Item 11 a motion to read by title only, first reading of Ordinance 1-10.

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only, first reading of Ordinance No. 1-10.** All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Ordinance No. 1-10 – 1st Reading - Park & Recreation

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Department of Natural Resources for a grant for the Recreational Trail Program and authorizing the Mayor to enter into an agreement for said grant and declaring the same to be an emergency.

Mr. Foltz: As discussed earlier in our special meeting and then also last week, we hope to do some good things with the County – coordination with the County park system for our trail at the ...inaudible... complex area and hopefully put this bridge in. As Jim indicated, he's not here, should be anywhere between 130 and 180 feet long and our end of this hopefully can be in-kind or donated labor. So for example if this bridge happens to work out to be 100,000, we would get an 80,000 dollar grant and the 20,000 hopefully would be through donations of labor, materials, equipment use and so forth. I'm just using that as an example. I don't have the total cost on this bridge.

Mr. Revoldt: Doug, correct me if I'm wrong. But did we not hear that this section of the Stark County Trail is the most heavily used...

Mr. Foltz: Yes.

Mr. Revoldt: In Stark County.

Mr. Foltz: That is correct. I learned that last week. And it's something we're all proud of and use. So I'm very much in favor of this. And if you can get anything eighty (80%) percent paid for you should really take a look at it. Hopefully it's going to be 100, like I said with the in-kind. So that said I'd like to make a motion to adopt this.

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Mr. Davies: May I say something?
Mr. Foltz: Sure.

Mr. Davies: And I don't mean to be unkind. I mean I think it's a good project. But and I'm all for it if we get the labor donated. But to spend city money when we're facing a million dollar deficit and I can't get one street in my ward paved because there's no money to pave a street anywhere in the city in this budget unless we take out the \$500,000 we were going to put into Main Street and give that back to the wards and then borrow more money to do Main Street, put more lights on it. I'm sorry I can't you know I'll vote to do the - to go for the grant but I will not vote to use city money for this when I can't get a street in my ward fixed. It's ridiculous, it's wrong. And this is adding infrastructure that down the road will have to be maintained by someone. Okay. When none of the municipalities in this whole county have any money. I'm sorry I don't get it. I don't get it. Now if it's - if you know agencies want to donate, you know that's fine. But I can't get a street in my ward paved because we have no money. And you know last week Mr. Benekos thought it would cost us \$20,000 - said the city he thought would be around \$20,000, it's what he said last week. Now this week it's - we're going to get it paid for and get it all donated. But you know I won't vote to spend city money on it. I flat out won't do it. So I will vote to go for the grant, but if it comes back and you say now we've got the grant and we've got to spend money, there's no way I'll ever vote for it.

Mr. Foltz: Okay, I don't know our financial situation since we haven't addressed capital projects till next week. Maybe you do because you're on that committee. I respect your opinion but I want to move forward with it.

Mr. Revoldt: With the grant.

Mr. Foltz: If we don't apply for the grant we don't - there's no shot of putting the bridge in at all. I'm not asking this council for full funding. That said so the motion is on the floor.

Mr. Revoldt: Anybody else need to weigh in?

Mr. Peters: I'll second it if no one else...

Mr. Revoldt: Okay it's been moved and seconded to adopt the first reading of Ordinance 1-10.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 1-10. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 1-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 1-10. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 1-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 1-10. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0

12. Mr. Revoldt: Item 12, a motion to read by title only, first reading of Ordinance 2-10.

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 2-10. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
No: 0

Ordinance No. 2-10 - 1st Reading - Personnel & Safety

An ordinance adopting the City of North Canton's Policy on Anti-Retaliation and declaring the same to be an emergency.

Mr. Revoldt: Are there any - Jeff.

Mr. Peters: Yes. Okay. This anti-retaliation policy - what this does it will encourage employees to come forward with credible information of prohibitive practices and/or illegal or violations of law. And it specifies that the city will protect them from retaliation. Or identify where such information can be reported. And this - Hans this mirrors state or federal?

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Mr. Nilges: This mirrors the state law.
Mr. Peters: The state law.

Mr. Nilges: It's a state whistleblower law.

Mr. Peters: Oh, okay. Any questions from Council, Committee Council?

Mr. DeOrio: The – if I could...
Mr. Peters: Yeah.

Mr. DeOrio: Trying to get to that. Hans, the way we had left it the last time you had kind of written up something but it wasn't really in a draft form. Is it your intent that that document is attached hereto kind of thing and we refer to that?

Mr. Nilges: Yes, correct. The ordinance would reference – incorporates it by reference.

Mr. DeOrio: And that has not changed from what we read the last time?

Mr. Nilges: It has not.

Mr. DeOrio: Thank you.

Mr. Peters: Any other questions?

Mr. Nilges: To say to answer your question more completely though, you said does it mirror the Ohio Whistleblower Law, it does incorporate provisions of Ohio Whistleblower Law but it also includes our own – violations of our own policies and procedures. So it's a little bit broader than that. Also provides protections for things beyond what the whistleblower protection statute also specifically protects. And it's a commitment to employees to make sure if they come forward with violations of policies and procedures as described in the policy that there will be protections for them.

Mr. DeOrio: Who would, in the event that – and I must confess my ignorance to the whole – the whole broad understanding of this, if someone were to come forward with a complaint, do they like sue us or something is that...

Mr. Nilges: No.
Mr. DeOrio: No.

Mr. Nilges: No. This is just a commitment by policy that there won't be any retaliation. And quite frankly there are a number of laws that already control this whether or not it's wage and hour laws and anti-retaliation provisions and then discrimination laws, also the Ohio Whistleblower Protection Act already provide protections. This is an articulation of the City of North Canton's commitment to that. And also provides – more importantly, quite frankly, provides an avenue for redress of any particular things that they think are violations of law. And provides an opportunity for the City of North Canton to investigate those and also provides an assurance of non-retaliation.

Mr. DeOrio: So in this, this is basically our policy statement that we will not retaliate ...
Mr. Nilges: Right.

Mr. DeOrio: for some type of whistleblowers?

Mr. Nilges: There's no private right of action, if that's your specific question.

Mr. DeOrio: That's what I'm trying to get at.

Mr. Nilges: We are not creating a private right of action.

Mr. Revoldt: Anyone have any other questions or comments?

Mr. Peters: Just to clarify too, the Director of Law is the point man on that. Is that correct?

Mr. Nilges: The initial person who violations should be reported to is the Director of Law. As I explained during the committee meeting I thought that was most appropriate because I represent the entire city. Of course if I'm involved and I only sit here temporarily someday somebody else will hold this position, if the Director of Law is involved or the person that's making the report is uncomfortable coming to the Director of Law there are a number of alternative persons that they could bring their complaints to. And it lists including the Mayor, Director of Administration or ultimately any member of Council.

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Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 2-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

13. Mr. Revoldt: Item 13 a resolution – Resolution No. 3-10, and the motion to reads - excuse me, may I have a motion to read, first reading of Resolution 3-10?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Resolution No. 3-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

Resolution No. 3-10 – 1st Reading – Finance & Property

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of the City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a renewal tax of one (1.0) mill pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of street improvements in the City of North Canton, for a period of five (5) years, tax years 2010, 2011, 2012, 2013 and 2014, commencing in 2010, first due in calendar year 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, as you're well aware we talked about this last week. We did submit to the electorate this past election in November this same street levy being two (2.0) mills from the existing one (1.0) mills that it was for since the early 50's. However, it was defeated by about six votes. Consequently the revenue loss would impact the city adversely, especially in budget year 2011. So we're resubmitting the original request as it stood for many years at one (1.0) mill. It is on an emergency as time is of the essence. We need to take this to the Auditor tomorrow. The filing deadline for levies and calls to the ballot are February 16th so we want to move it accordingly. So at that I would hope that we can garner the support. Thank you.

Mr. Revoldt: Mayor, the Clerk will have a copy of this ordinance for you to sign ...

Mayor Held: This evening?

Mr. Revoldt: At the conclusion of this meeting.

Mayor Held: Okay.

Mr. Revoldt: Again, Dottie and Ed, we would note that this is to restore the existing levy which expired on December 31st. It is the identical levy to what people had for the last five years and we're asking that that be renewed. Any other questions or comments? Seeing none, a motion to adopt the first reading of Resolution No. 3-10.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Resolution No. 3-10. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 3-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 3-10. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution 3-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 3-10. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

14. Mr. Revoldt: For Item 14, Resolution No. 4-10, may I have a motion to amend it to reduce the millage from two (2.0) mills to one and one-half (1.5) mills and to change the term of the levy from three (3) years to two (2) years.

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Mrs. Kiesling moved and Mr. DeOrio seconded to **amend Resolution No. 4-10 to reduce the millage from two (2.0) mills to one and one-half (1.5) mills and to change the term of the from three (3) years to two (2) years.** All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

Mr. Revoldt: May I have a motion to read by title only, first reading of Resolution No. 4-10, as amended?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading, as amended,** of Resolution No. 4-10. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

Resolution No. 4-10 – 1st Reading – Finance & Property

A Resolution on submission of a request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of City of North Canton, Stark County Ohio, as a subdivision and the dollar amount of the revenue that would be generated by a specified number of mills of one and one-half (1.5) mills pursuant to Ohio Revised Code Section 5705.19, 5705.191 and 5705.25 for the purpose of providing ambulance service, emergency medical service or both, along with the necessary appurtenances, to the City of North Canton for a period of two (2) years, tax years 2010 and 2011, commencing in 2010 first due in calendar year 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, after last week's Council of the Whole and upon telephone concurrence with the members, some members of council and the members of the Finance Committee, we asked the Finance Director to rework the numbers for us relative to the amount of income from transportation costs to the residents, outside residents, the amount of the existing millage that's in place, we felt very comfortable that by reducing the size of the millage and the years with the sunset provision being two versus three that we could live with same. As you know we project a shortfall in the 2011 budget of a minimum of \$850,000. This levy will generate close to 700 and some thousand dollars and it will just bring us tight to operate EMS at a very comfortable and a very safe level. Without this levy it does put the EMS service in the City of North Canton in jeopardy to be able to provide the same level of service that we're providing. Again we looked at it, we studied it, we heard it from the electorate that they would not be comfortable supporting two (2.0) mills so we reduced it, would not be comfortable supporting three years that we can look at it at the end of two years. Hopefully the economy will turn and we'll be able to totally eliminate it or readjust it and modify it. So that was the thought process. Again my committee and myself we apologize, but we wanted to be very fiscally prudent and we really looked at it and that's the reason for the change. Thank you.

Mr. Revoldt: Anyone else have anything to add on this matter?

Mayor Held: One question. Just for clarification, who writes the ballot language on the - this issue? Is it the Board of Elections that writes that?

Mr. Zumbar: Secretary of State.

Mayor Held: Okay, that's all.

Mr. Revoldt: It will be as clear as we can make it.

Mr. DeOrio: Mr. President, I would move for passage of Resolution No. 4-10.

Mrs. Kiesling: Second.

Mr. Revoldt: As amended.

Mrs. Kiesling: As amended.

Mr. DeOrio: As amended. Thank you.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading, as amended,** of Resolution No. 4-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 4-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 4-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

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Mr. Revoldt: Motion to adopt under the rules as suspended Resolution 4-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 4-10. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

15. Mr. Revoldt: Item 15, motion to read by title only, first reading of Ordinance 5-10.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading of** Ordinance No. 5-10. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Ordinance No. 5-10 – 1st Reading – Community & Economic Development

An ordinance implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of North Canton, designating a Housing Officer to administer the program, creating a Community Reinvestment Housing Council and a Tax Incentive Review Council, repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mrs. Kiesling: Yes, this is just what I talked about it last week, it's going to save us approximately \$3,000 in advertisement fees through the newspaper if we advertise it in it's current state. I motion we accept.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt the first reading of** Ordinance No. 5-10. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 5-10.

Mr. Peters moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 5-10. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 5-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 5-10. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

REPORTS:

Mr. Revoldt: Reports – Director of Law.

Mr. Niiges: None for me.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Yes. Mr. President, Members of Council, the State Auditors have begun the 2009 audit. Secondly, the 2009 tax forms have been mailed. You should receive those in the mail this week. Number three is the 2008 CAFR has received an award and a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending December 31, 2008. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Fourth item is the City is also a recipient of a Certificate of Recognition from the State of Ohio, Office of the Auditor Mary Taylor, CPA – Making Your Tax Dollars Count award. So that concludes my report.

Mr. Revoldt: Thanks. Director of Administration.

Mr. Wise: Yes. Within the City this week here at City Hall on most mornings there are a couple ladies here from Allstate and/or AFLAC. They are providing to city employees their own or the city employees have the ability to buy insurance – different types of insurance. Whether that's disability insurance – I think there's actually a cancer insurance. If you're an employee of the city you can do that, you can get these coverages without any health questions being asked. That's available for full-time and part-time employees. They'll be here all week. The only connection with the city is you have to be an employee or the spouse and the spouse may have to answer some health questions. And

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 11, 7:00 p.m. 2010

CALL TO ORDER:

1. The council meeting was called to order Monday, January 11, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

OPENING PRAYER:

2. The opening prayer was delivered by Pastor Don Rice, Jr., Director of Pastoral Care at St. Luke Lutheran Community.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Revoldt: Please be seated. Pastor thank you. Clerk, would you please call the roll.

4. The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, Superintendent of Streets & Utilities Chufar, Superintendent of Permits & Inspection Hampton, Rental Coordinator Raymond and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

5. Consideration

Council Meeting Minutes – December 14, 2009

Mayor's Court Receipts – November and December, 2009

Mr. Revoldt: Council has for its consideration minutes of its meeting on December 14th and mayor's court receipts for November and December, 2009. Are there any questions or corrections to those – for those documents?

Mr. Snyder moved and Mr. DeOrio seconded to approve the minutes of the council meeting and mayor's receipts as presented. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

6. Committee Minutes

Mr. Revoldt: We have committee minutes for approval - executive session for Personnel & Safety, three of which were held on December 14th and one on January 4th; Community & Economic Development; Finance & Property; Ordinance, Rules & Claims; Park & Recreation; Street & Alley all committees meeting on January 4th and Personnel & Safety held December 14th and January 4th. Are there any corrections or amendments to those committee minutes?

Mr. DeOrio moved and Mrs. Kiesling seconded to approve the executive session and committee report minutes as presented. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Executive Sessions (Personnel & Safety): Please refer to the minutes on file in the Council Office of the executive session meetings for Personnel & Safety three held on December 14, 2009 and one held on January 4, 2010.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held January 4, 2010.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 4, 2010.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 4, 2010.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 4, 2010.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held December 14, 2009 and January 4, 2010.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 4, 2010.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 11, 7:00 p.m. 20 10

Mr. Snyder: It goes 1, 2, 3, 4, 5. But I appreciate that for allowing me as much or as little time as I need. But I do...

Mr. Revoldt: You're done in 60 seconds.

Mr. Snyder: The members of the Finance Committee and myself had a very nice meeting this morning with the Administration and some of the department heads, and I would like to fully report that within a couple weeks with one more meeting or possibly two, we will bring to the Council the Mayor's budget. The Mayor did submit a balanced budget. We did, the Committee and myself along with the cooperation of Administration representatives have made some suggestions to save some additional money and excuse me, along with Mr. Zumbar. However, we did not consider the capital portion. We felt it was unfair to members of council and that it should be considered totally by the Council and that will be submitted next Tuesday night. As Mr. Davies pointed out there are very – there are presently no projects. We have a suggestion to give at least one project per ward and we will move some money to do so. But we hope to consider that at that particular time. Again, as I say the budget is in balance. We hope that we can pass these two street levies because the 2010 is not the question it's the 2011. Doing that we should be in a very enviable position from our sister municipalities around us. However, as the Chairman of Finance I would like to congratulate Mr. Zumbar on his award, that's very notable. And very appreciative of his help that he's given this committee over the last three or four months, that he's given us undo hours and time in giving us in providing the information and Mr. Zumbar we do appreciate it. That's it Mr. President.

Mr. Revoldt: Thank you very much. As Council knows on certain holidays falling on Mondays we shift our meetings to Tuesday. And I'd like to, if we could, do and have an omnibus motion to change four holidays. The first would be on Monday the 18th to Tuesday the 19th in observance of Martin Luther King Day; on Monday, February 15th to Tuesday the 16th of February in observance of President's Day; July 5th to July 6th for the 4th of July holiday; and September 6th to September 7th for Labor Day. So we'll have one omnibus call.

Mr. DeOrio: I will make an omnibus motion.

Mrs. Kiesling: Can you spell it?

Mr. Davies: Second.

Mr. DeOrio: Omnibus.

Mr. Revoldt: It's been moved and seconded.

Mr. DeOrio moved and Mr. Davies seconded to change the following meeting dates from **Monday, January 18 to Tuesday, January 19, 2010 in observance of Martin Luther King Day; Monday, February 15 to Tuesday, February 16, 2010 in observance of President's Day; Monday, July 5 to Tuesday, July 6, 2010 in observance of the 4th of July; and Monday, September 6 to Tuesday, September 7, 2010 in observance of Labor Day.** All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: May I also have a motion to call a special meeting of council for Tuesday, January 19, 2010 following the Committee of the Whole meeting to consider passage of legislation that would allow the Hoover World War II Monument Committee to proceed with its project.

Mr. DeOrio moved and Mr. Foltz seconded to schedule a **special meeting for Tuesday, January 19, 2010 immediately following the Committee of the Whole meeting to consider passage of legislation that would allow the Hoover World War II Monument Committee to proceed with its project.** All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

ADJOURN:

Mr. Revoldt: Now the motion that you've all waited for, the motion to adjourn.

Mr. DeOrio moved and Mr. Davies seconded to adjourn the council meeting. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

The meeting adjourned at 8:58 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL